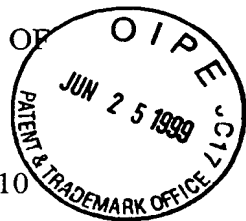


7791-0068-25

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
PHILLIP WHITE : EXAMINER:  
SERIAL NO: 09/317,110 :  
FILED: MAY 24, 1999 : GROUP ART UNIT:  
FOR: PROCESS, SYSTEM AND :  
COMPUTER READABLE  
MEDIUM FOR IN-STORE ...



PETITION TO MAKE SPECIAL (MPEP 708.02)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

**I. Basis For the Petition**

Pursuant to MPEP 708.02, Section IIIV, Revision July 1998, page 700-71-72, the applicant petitions for a special status for this application.

**II. Requirement for Granting the Petition and Showing that the Requirements For Granting the Petition Have Been Met**

The following subsection identify the requirements for the petition to be granted and show that those requirements are met.

**A. Submit Petition and Fee - MPEP 708.02, Section IIIV.A**

This petition is accompanied by the 37 CFR 1.17(i) petition fee.

**B. Agree to an Election Without Traverse - MPEP 708.02, Section IIIV.B**

The applicant submits that all claims are directed to the same patentable invention because the device, process and computer product claims are analogs of the system claims.

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However, the applicant agrees, if the examiner imposes a restriction requirement, to elect the method claims 9-16, without traverse.

**C. State that a Pre-examination Search Was Made -MPEP 708.02, Section IIIIV.C**

A preexamination search was made in Class 705, Subclasses 10, 14, 16, 17, 22 and 23; and Class 235, Subclasses 375 and 383, with all of the references included in an Information Disclosure Statement PTO-1492 submitted herewith.

**D. Submit Copies of Most Relevant References - MPEP 708.02, Section IIIIV.D**

The applicant is submitting a PTO-1492 listing each of the references in the preexamination search mentioned above.

**E. Detailed discussion Pointing Out how the Claimed Subject Matter is Patentable Over the References - MPEP 708.02, Section IIIIV.E**

The present claims are patentable since Applicant respectfully submits that the references from the preexamination search, taken alone or in combination, fail to teach or suggest a system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks, including an incentive processor for storing a plurality of purchasing incentives corresponding to a plurality of item identifiers for items subject to rainchecks; at least one incentive printer; a incentive processor bus coupling the incentive processor to the at least one incentive printer; a point-of-sale (POS) controller; at least one cash register; and a POS bus coupling the POS

controller, the at least one cash register, and the incentive processor. A respective cash register of the at least one cash register is configured to receive data defining an item identifier for an item that is subject to a raincheck. One of the POS controller and the respective cash register is configured to transmit the data defining the item identifier for the item that is subject to the raincheck over the POS bus to the incentive processor. The incentive processor is configured to generate raincheck information including at least one purchasing incentive in response to receipt of the data defining the item identifier for the item subject to the raincheck, the plurality purchasing incentives, and the plurality of item identifiers. The incentive processor is configured to transmit the raincheck information to a respective incentive printer of the at least one incentive printer over the incentive processor bus. The respective incentive printer is configured to print a raincheck including the at least one purchasing incentive in response to receipt of the raincheck information received from the incentive processor.

All claims in this application are commensurate with the above-noted scope and the references from the preexamination search, taken singly or in any combination, that would have been legally obvious would not suggest that subject matter.

The McMahon et al patent 5,789,732 teaches a portable data card for merchant transactions that enables the system to issue a raincheck to a consumer if a product is not in stock but fails to teach or suggest a respective cash register configured to receive data defining an item identifier for an item that is subject to a raincheck, wherein one of a POS controller and the respective cash register is configured to transmit the data defining the item identifier for the item that is subject to the raincheck over a POS bus to an incentive processor which is configured to generate raincheck information including at least one purchasing

incentive in response to receipt of the data defining the item identifier for the item subject to the raincheck, a plurality purchasing incentives, and a plurality of item identifiers. Applicant notes that the system of McMahon et al requires complex circuitry, such as RF links, RF logic, etc. (see FIG. 4 and discussion McMahon et al thereof), as compared to the presently claimed invention which advantageously does not require such complex circuitry.

The West et al patent 5,845,259 teaches an electronic coupon dispensing system based on product availability and market demands in order to avoid the need to distribute rainchecks (see column 4, lines 46+) but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Churchill patent 4,086,475 teaches a ticket taking system wherein a severable ticket is used by attendees at an event and the remaining part of the severed ticket has a magnetic code that can be used as a raincheck but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Blumenthal et al patent 3,792,437 teaches an electronic coupon distribution system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Lemon et al patent 4,674,041 teaches a method for controlling coupon distribution but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Humble patent 4,825,045 teaches an improved universal product code (UPC) point-of-sale (POS) system for product promotion but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Nichtberger et al patents 4,882,675 and RE 34,915 teach an electronic system for coupon distributing, redeeming and clearing but fail to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Smith patent 4,896,791 teaches a Kiosk-based touch screen system for electronic coupon distribution but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Mori patent 4,932,485 teaches printer system for electronic rebate distribution but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The McCarthy patents 4,941,090; 5,117,355; 5,202,826; 5,287,268; and RE. 36,116 teach a centralized system for distributing consumer incentives but fail to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Stoken patent 5,039,848 teaches a Kiosk-based coupon dispensing apparatus but fails to teach or suggest the system, process or computer readable medium for providing in-

store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Spector patent 5,176,224 teaches a computer controlled coupon distribution system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Van Kohorn patent 5,249,044 teaches a centralized television-based coupon distribution system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Axler et al patent 5,305,197 teaches a computer-based coupon distribution system including a customer proximity sensor but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The De Lapa et al patents 5,353,218 and 5,822,735 teach a focused coupon distribution and redemption system but fail to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Stein et al patent 5,459,306 teaches a computer-based targeted coupon distribution system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Schultz Jr. patent 5,483,049 teaches a coupon exchange, distribution and redemption system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Fite et al patent 5,557,721 teaches a coupon display, distribution and redemption system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Larson et al patent 5,708,782 teaches a Kiosk-based coupon dispensing system which dispenses coupons at a shopping cart return terminal and includes RF and satellite communications but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Christensen et al patent 5,710,886 teaches an electronic coupon distribution and redemption system wherein coupons are distributed via mailed software diskettes or CD ROMs but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Powell et al patents 5,727,153; 5,806,044; 5,887,271 and 5,890,135 teach smart-card-based, network-based and Kiosk-based coupon display, distribution and redemption systems but fail to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Robinson et al patent 5,734,838 teaches a network-based electronic incentive award distribution and redemption system including a database storing consumer transaction records but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The O'Brien et al patent 5,832,457 teaches a coupon distribution system based on consumer purchase history but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Grimes et al patent 5,859,414 teaches an interactive customer information terminal system but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

The Khosla patent 5,884,277 teaches a network-based coupon distribution system for non-secure terminals but fails to teach or suggest the system, process or computer readable medium for providing in-store printing of rainchecks for purchasing incentives associated with items subject to rainchecks of the claimed invention.

Applicant submits that the claimed invention provides improved in-store raincheck distribution for coupons in a retail store environment as compared to conventional methods, systems and devices.



III. **Conclusion**

Based on the above discussion, Applicant respectfully requests that the present petition be granted.

Respectfully submitted,



Richard Neifeld, Ph.D.

Registration No. 35,299

Attorney of Record

Carlos R. Villamar

Registration No. 43,224

Crystal Square Five - Fourth Floor

1755 Jefferson Davis Highway

Arlington, VA 22202

(703) 413-3000

Fax #: (703) 413-2220

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